

A. G. Contract No. KR-88-1600-TRD

ECS File: JPA-88-51
Project: 10MA143-H006905C
Section: Central Avenue Bridge
Conduit

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PHOENIX

THIS AGREEMENT is entered into October 10, 1988, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF PHOENIX, acting by and through its City Council (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. In connection with the construction of Interstate Highway 10 at Central Avenue and as part of its telecommunication system planning, the City has requested inclusion of a four-duct, PVC conduit bank through the Central Avenue bridge. The total cost to install said conduit is estimated to be \$43,000.

4. The purpose of this agreement is to establish the parties' responsibilities relative to construction and maintenance of said conduit.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State shall by change order to its construction contract provide the necessary labor, materials and equipment to install four four-inch I.D. PVC conduits in the Central Avenue deck structure.

2. The City shall be responsible for inspecting and accepting the installation of said facilities and shall assume all system liability and costs associated therewith.

3. The City shall bear the full costs of installing the conduit, including design, construction, and construction administration costs incurred by the State. The City shall further bear the actual cost of construction change orders, delays or claims for extra compensation, if any, made by the contractor related to said conduit installation.

4. Upon this agreement becoming effective, the City shall deposit with the State \$15,335 as its estimated share of the total project cost.

5. Upon completion of construction, the State shall submit a full accounting to the City of actual costs associated with the conduit installation, together with a billing for any additional funds due or a refund of any overpayment. In the event additional funds are due, the City shall remit payment within thirty days of receipt of the State's billing.

6. The City shall retain maintenance responsibility for the conduit and related facilities.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said conduit installation; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the commencement of construction, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled by the Governor in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. Attached hereto and incorporated herein by reference is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF PHOENIX

STATE OF ARIZONA
Department of Transportation

By

[Signature]
Title *Deputy Public Works Director*

By

[Signature]
GARY K. ROBINSON
Chief Deputy State Engineer

0534j

REEN - CITY CLERK
HITE - CITY ATTORNEY
LUE - CITY MANAGER
INK - ACCOUNTS NOTIFICATION
ANARY - DEPARTMENT NOTIFICATION
UFF - DEPARTMENT FILE COPY

CITY OF PHOENIX, ARIZONA

REQUEST FOR COUNCIL ACTION

ALL RCAs MUST BE IN THE CITY MANAGERS OFFICE BY NOON ON THE TUESDAY SEVEN DAYS BEFORE THE FORMAL CITY COUNCIL MEETING WITH ALL REQUIRED SIGNATURES. COMPLETE THIS FORM PER M.P. 1906

To the City Manager:

DATE August 24, 19 88

THE FOLLOWING COUNCIL ACTION IS HEREBY REQUESTED: ☐ ORDINANCE ☐ RESOLUTION ☒ FORMAL ACTION

CITYWIDE

INTERGOVERNMENTAL AGREEMENT FOR CITYWIDE TELEPHONE SYSTEM

Request authorization to enter into an Intergovernmental Agreement with State of Arizona, Department of Transportation, for a segment of the Citywide telephone system (CITYCOM). This agreement is necessary for the provision of a means to overcome an obstruction blocking implementation of one segment of CITYCOM's network. The construction of the Papago Freeway creates a barrier prohibiting the connection of Phoenix Main Library to the system as planned. The solution includes the placement of four 4-inch conduits during construction of the Central Avenue bridge (over the Papago and Deck Park). This solution will provide CITYCOM with the means to connect to the system by cable City facilities north of the freeway (e.g., Civic Plaza at 12 East McDowell, new Main Library, and new Deck Park). The cost to the City for placement for these conduits is \$15,335.

Entry into this agreement and subsequent conduit placement will not impact the approved telecommunications system funding since the cost is already included in the funds approved for system implementation.

Bid Bond (Surety) Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		3 Bond submitted by low bidder? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		4 Performance Bond (Surety) Required? \$ _____							
SOURCE OF FUNDS: GENERAL FUNDS				12 Recommended by: Department/Function <u>PUBLIC WORKS</u>							
<table border="1"><thead><tr><th>INDEX CODE</th><th>SUBJECT</th><th>PROJECT</th></tr></thead><tbody><tr><td>R 81003</td><td>4102</td><td></td></tr></tbody></table>				INDEX CODE	SUBJECT	PROJECT	R 81003	4102		Division Head Signature _____	
INDEX CODE	SUBJECT	PROJECT									
R 81003	4102										
\$15,335				Department Head Signature _____							
<input checked="" type="checkbox"/> BUDGETED <input type="checkbox"/> SUPPLEMENTAL <input type="checkbox"/> CONTINGENCY											
Emergency Clause? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		7 Requested by Don Addison 25480		13 Approved as to availability of funds: MANAGEMENT & BUDGET DIRECTOR							
IF LESS THAN FIVE COUNCIL MEMBERS ARE PRESENT <input type="checkbox"/> CONTINUE ONE WEEK <input type="checkbox"/> ADOPT WITHOUT EMERGENCY CLAUSE		8 WP Document # 411 7/26/88		14 Approved: CITY MANAGER							
9 Desired Agenda Date: August 27, 1988		15 Requisition #									
5 Formal contract required? 48395 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Previous contract #									
5 Council action taken: Formal action: RESOLUTION NO _____ ORDINANCE NO _____ DATE <u>9/7</u> 19 <u>88</u> APPROVED _____ CONTRACT NO <u>74114</u> F 5134											

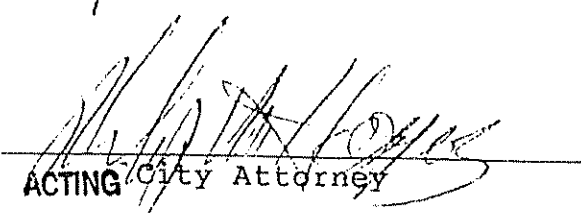
ECS File: JPA-88-51
Project: 10-3(88)
Section: Central Avenue Bridge
Conduit

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

The referenced intergovernmental agreement between the City of Phoenix and the Arizona Department of Transportation has been reviewed pursuant to Arizona Revised Statutes Section 11-952, as amended, by the undersigned City Attorney, who has determined that it is in the proper form and is within the powers and authority granted to the City of Phoenix.

Dated this 28th day of September, 1988.



ACTING City Attorney

MS



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

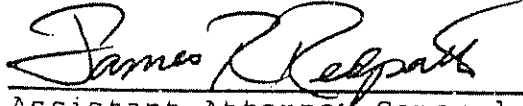
DETERMINATION

A. G. Contract No. KR88-1600-TRD, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 18th day of October, 1988.

ROBERT K. CORBIN
Attorney General


Assistant Attorney General
Transportation Division

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